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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Fifth Committee (A/52/453/Add.3)]

52/247. Third-party liability: temporal and financial limitations

The General Assembly,

Recalling its resolution 51/13 of 4 November 1996 on third-party liability against the United Nations resulting or arising from peacekeeping operations conducted by the Organization, in which the Assembly requested the Secretary-General to develop specific measures, including criteria and guidelines for implementing the principles of temporal and financial limitations on the liability of the United Nations,

Having considered the report of the Secretary-General on third-party liability[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the report of the Secretary-General on third-party liability;[1]

2. *Also takes note* of the observations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. *Endorses* the proposals of the Secretary-General[3] for implementing the principles of temporal and financial limitations on the liability of the Organization;

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[1] A/51/903.

[2] A/52/410.

[3] See, in particular, A/51/903, sect. IV.

4. *Also endorses* the recommendations of the Advisory Committee on Administrative and Budgetary Questions;[4]

5. *Decides* that the temporal and financial limitations set out in paragraphs 8 to 11 below shall apply to third-party claims against the Organization for personal injury, illness or death, and for property loss or damage (including non-consensual use of premises) resulting from or attributable to the activities of members of peacekeeping operations in the performance of their official duties, as described in paragraph 13 of the report of the Secretary-General;[1]

6. *Endorses* the view of the Secretary-General that liability is not engaged in relation to third-party claims resulting from or attributable to the activities of members of peacekeeping operations arising from "operational necessity", as described in paragraph 14 of the first report of the Secretary-General on third-party liability;[5]

7. *Also endorses* the views of the Secretary-General, reflected in paragraph 14 of his report,[1] with regard to third-party claims resulting from gross negligence or wilful misconduct of the personnel provided by troop-contributing States for peacekeeping operations, and requests him to report on their implementation in the relevant performance reports;

8. *Decides* that, where the liability of the Organization is engaged in relation to third-party claims against the Organization resulting from peacekeeping operations, the Organization will not pay compensation in regard to such claims submitted after six months from the time the damage, injury or loss was sustained, or from the time it was discovered by the claimant, and in any event after one year from the termination of the mandate of the peacekeeping operation, provided that in exceptional circumstances, such as described in paragraph 20 of the report of the Secretary-General,[1] the Secretary-General may accept for consideration a claim made at a later date;

9. *Decides also*, in respect of third-party claims against the Organization for personal injury, illness or death resulting from peacekeeping operations, that:

(*a*) Compensable types of injury or loss shall be limited to economic loss, such as medical and rehabilitation expenses, loss of earnings, loss of financial support, transportation expenses associated with the injury, illness or medical care, legal and burial expenses;

(*b*) No compensation shall be payable by the United Nations for non-economic loss, such as pain and suffering or moral anguish, as well as punitive or moral damages;

(*c*) No compensation shall be payable by the United Nations for homemaker services and other such damages that, in the sole opinion of the Secretary-General, are impossible to verify or are not directly related to the injury or loss itself;

(*d*) The amount of compensation payable for injury, illness or death of any individual, including for the types of loss and expenses described in subparagraph (*a*) above, shall not exceed a maximum of

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[4] A/52/410, para. 5.

[5] A/51/389.

50,000 United States dollars, provided, however, that within such limitation the actual amount is to be determined by reference to local compensation standards;

(*e*) In exceptional circumstances, the Secretary-General may recommend to the General Assembly, for its approval, that the limitation of 50,000 dollars provided for in subparagraph (*d*) above be exceeded in a particular case if the Secretary-General, after carrying out the required investigation, finds that there are compelling reasons for exceeding the limitation;

10. *Decides further* in respect of third-party claims against the Organization for property loss or damage resulting from peacekeeping operations that:

(*a*) Compensation for non-consensual use of premises shall either: (i) be calculated on the basis of the fair rental value, determined on the basis of the local rental market prices that prevailed prior to the deployment of the peacekeeping operation as established by the United Nations pre-mission technical survey team; or (ii) not exceed a maximum ceiling amount payable per square metre or per hectare as established by the United Nations pre-mission technical survey team on the basis of available relevant information; the Secretary-General will decide on the appropriate method for calculating compensation payable for non-consensual use of premises at the conclusion of the pre-mission technical survey;

(*b*) Compensation for loss or damage to premises shall either: (i) be calculated on the basis of the equivalent of a number of months of the rental value, or a fixed percentage of the rental amount payable for the period of United Nations occupancy; or (ii) be set at a fixed percentage of the cost of repair; the Secretary-General will decide on the appropriate method for calculating compensation payable for loss or damage to premises at the conclusion of the pre-mission technical survey;

(*c*) No compensation shall be payable by the United Nations for loss or damages that, in the sole opinion of the Secretary-General, are impossible to verify or are not directly related to the loss of or damage to the premises;

11. *Decides* that:

(*a*) Compensation for loss or damage to personal property of third parties arising from the activities of the operation or in connection with the performance of official duties by its members shall cover the reasonable costs of repair or replacement;

(*b*) No compensation shall be payable by the United Nations for loss or damages that, in the sole opinion of the Secretary-General, are impossible to verify or are not directly related to the loss of or damage to the personal property;

12. *Requests* the Secretary-General to take the necessary measures to implement the present resolution in respect of the status-of-forces agreements in accordance with paragraph 40 of his report;[1]

13. *Also requests* the Secretary-General to ensure that the terms of reference of the local review boards include the temporal and financial limitations on the liability of the Organization, as set out in paragraphs 8 to 11 above, and that those boards rely on those temporal and financial limitations as a basis for their jurisdiction and recommendations for compensation for third-party claims against the Organization resulting from its peacekeeping operations .

88th plenary meeting
26 June 1998